

Serial No. 10/611,682
Art Unit 3765

REMARKS

Claims 1 through 23 were presented for examination in the present application and remain pending upon entry of the instant amendment, which is respectfully requested.

Claims 1, 4 through 7, 9, 14, 16, and 17 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,154,659 to Gluckin (Gluckin). Claims 8, 15, and 19 through 23 were rejected under 35 U.S.C. §103(a) over Gluckin in view of U.S. Patent No. 2,915,067 to Bracht (Bracht). Claims 2 and 3 were rejected under 35 U.S.C. §103(a) over Gluckin. Claims 10 and 11 were rejected under 35 U.S.C. §103(a) over Gluckin in view of U.S. Patent No. 5,820,443 to Burr (Burr).

Claim 1 has been amended to recite that the sub-assembly has "a periphery that is larger than an entire outer periphery of the undergarment (emphasis added)".

Gluckin discloses a brassiere 60 having right and left side panels 70, 72 that are sewn together by a center seam 74 as seen in Figure 2. See Col. 2, line 64 through Col. 3, line 8. Thus, Gluckin merely discloses a three layer fused laminate 100 that is larger than the right left side panel 70 or the left side panel 72, where these panels are joined by a center seam 74.

Thus, claim 1 requires a sub-assembly that has a periphery larger than the entire outer periphery of the undergarment, whereas Gluckin merely discloses a laminate that is larger than the right or left side panels.

Bracht is asserted by the Office Action as disclosing a fusible material formed of polyethylene. Burr is asserted by the Office Action as disclosing a reinforcement fabric. However, neither Bracht nor Burr disclose or suggest a sub-assembly that has a periphery larger than the entire outer periphery of the undergarment as recited by claim 1.

Serial No. 10/611,682
Art Unit 3765

Accordingly, it is submitted that claim 1 is not disclosed or suggested by Gluckin, Bracht, or Burr alone, or in combination.

Claim 1 is therefore believed to be in condition for allowance. Claims 2 through 13 are also believed to be in condition for allowance for at least the reason that they depend from claim 1. In addition, claims 12 and 13 are believed to be allowable as these claims were not rejected by the Office Action over any cited art.

Reconsideration and withdrawal of the rejection to claims 1 through 13 are respectfully requested.

Independent claim 14 requires, in part, a stretchable laminate that has "a periphery that is larger than an entire outer periphery of the undergarment (emphasis added)". Similarly, independent claim 19 requires, in part, a stretchable laminate that has "a periphery that is larger than an entire outer periphery of the undergarment (emphasis added)".

Again, Gluckin merely discloses a fused laminate that is larger than either the right or left side panels, but not the entire outer periphery of the undergarment as recited by claims 14 and 19. Bracht discloses a polyethylene material, while Burr discloses a reinforcement fabric. Accordingly, it is submitted that claims 14 and 19 are also not disclosed or suggested by Gluckin, Bracht, or Burr alone, or in combination.

Claims 14 and 19 are therefore believed to be in condition for allowance. Claims 15 through 18 and 20 through 23 are also believed to be in condition for allowance for at least the reason that they depend from claims 14 and 19, respectively. Reconsideration and withdrawal of the rejections to claims 14 through 23 are respectfully requested.

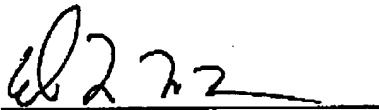
In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

Serial No. 10/611,682
Art Unit 3765

In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment are respectfully requested.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



September 29, 2005

Edward L. McMahon
Reg. No. 44,927
Attorney for Applicant(s)
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401